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## Racism or Economics? (Introductory Remarks for the First Panel)

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# **INTRODUCTORY REMARKS FOR THE FIRST PANEL RACISM OR ECONOMICS?**

DAVID L. GREGORY\*

I would like to add to the good morning wishes to all of you. My name is David Gregory, and I have taught at St. John's Law School since 1982. I am the moderator of the first panel this morning, the subject being "Racism or Economics." But before I proceed to those matters, I want to take the prerogative of the first moderator's position to offer a few broader comments about St. John's for those of you who perhaps are new to us as first-time visitors.

It is good to see many old friends, and it is also good at these opportunities for everyone to make new friends. So, for those of you who are first timers here at St. John's, I hope that you come back often and enjoy future events with us. The enduring strength, maybe the core strength, of this law school in the twelve years I have been here, has been our students and our graduates, and this year, I think, they are certainly no exception. It has also been my experience that at every symposium conference, there is one person who has been the conceptual root, the person who conceived the idea, who nurtured it, and who, through tremendous hard work, brought it to fruition. And, again, this year is no exception. In fact, I think that the paradigm of these qualities and attributes is in the editor in chief of the *St. John's Journal of Legal Commentary*, Mr. Nicholas Rodriguez. With increasing frequency as I see him in the hallways over the last several weeks, I tweak Nick, with less and less facetiousness, on the fact that he seems to be living in the school. Now, St. John's has no dormito-

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ries, so this really would make him an exceptional person in more ways than one. And today, he and his stalwart editors and staff members can see this project that they have lived with, literally, for the past several months come to fruition. So temporarily, at least for one day, they can, I think, bask in their well-earned plaudits. Tomorrow, of course, it is back to the grind, and then the not insignificant task, along with the pleasure of studying for the bar exam, of bringing these proceedings to final fruition in their printed form. It will make for a very interesting summer. The law school is certainly in the debt of Mr. Rodriguez and his editorial staff.

On to the more immediate matters, the first panel, *Racism or Economics?* The editors have put together a really outstanding, nationally preeminent panel in each of the sessions and with the preeminent keynote speaker, the once and future professor, Mr. Gerald Torres.

I teach labor and employment law, constitutional law, and jurisprudence. Note, I do not teach environmental law. The student editors have, I think, deliberately drawn on my innocence and naivete, or, I would prefer to think, they have drawn upon the fact that I am essentially liberated from preconceptions. I am not an environmental law expert. I am not even an environmental law novice. So I come completely liberated from any sort of ideological or expert preconceptions or notions. They have given me one fundamental task. I am supposed to be provocative without being polemical, and that is always a delicate balance, one that will no doubt be shattered in the next few minutes. But remarkably enough, as they have done throughout the course of the past several months, the student editors have again really done the job for me, because they put together a first panel that, by the members' accomplishments and their track records, brings inherent provocative qualities with it. The student editors have decided upon the lineup and the sequence of the speakers.

I think the overt polemics will be avoided by the good grace of our speakers, but the intellectual provocation, the challenge, and the creativity will blossom enormously in the course of the day, so this should be a truly kaleidoscopic event. The course of this panel and the others that follow will basically be eight to ten minutes of presentation by each of the speakers, and then as much

opportunity as possible following that for an interchange and dialogue with you and with the panelists.

The full biographies of the speakers are available, but I just want to present the high points, and in the following order: The student editors have decided deliberately on a politically ideological spectrum of speakers on this first panel, with the result that we will move from the Left, to the Right, to the Center, to the Left, to the Right. That reflects the editors' choices.

I have had both of the primary student editors in my constitutional theory class last term, with one very much identified with the politics of the Left and the other with the politics of the Right. Today is a continuation of that theme, but they have engineered this, and I think with wisdom, so I will now serially introduce the speakers for the first panel.

Our first speaker will be Robert Bullard, the Ware Professor of Sociology and Director of the Environmental Justice Resource Center at Clark Atlanta University. He is the author of several books, most recently his forthcoming book *Unequal Protection: Environmental Justice and Communities of Color*, which will be out this spring from the Sierra Club Book Company. He has his Ph.D. from Iowa State University. He has been identified with the politics of the Left, which he may or may not ascribe to, and which he can either embrace or eschew. We have the editors to thank for the alignment.

The next speaker, then, from the Right, will be Michael Greve, also very widely published, and very engaged in political affairs. He is a co-founder and the executive director of the Center for Individual Rights and has a Ph.D. from Cornell University.

In the now impossible Centrist position, they have isolated Professor Richard Lazarus, a professor of environmental law and other related subjects at Washington University Law School in St. Louis. He has argued approximately thirty cases before the United States Supreme Court. He was an assistant to the Solicitor General of the United States from 1986 to 1989, and he has a case before the Supreme Court this term. He is a graduate of Harvard Law School. I never met any of the speakers until this morning, with the following exception.

The next speaker, the fourth in this series, is Professor Anthony Taibi, is an assistant professor at the University of Illinois College of Law. We met at a Harvard Law School conference in the spring

of 1992 and then last year at Illinois, he put together a two-day conference on Community Empowerment Techniques. I have seen him live on a couple of occasions as a very charismatic speaker, and I am sure he will follow in the tradition of the first three speakers to proceed him. He has been identified by the editors with the politics of the Left, and he, again, just as all the other speakers, can either embrace or eschew this political identification. He is a *summa cum laude* graduate of the Duke University School of Law, where he was first in his class and was articles editor of the *Duke Law Journal*. He was the mastermind in his student days of several symposia at Duke Law School, probably most prominently, the 1990 Symposium on Critical Race Theory and on Hate Speech.

The final speaker of this panel will be Richard Samp, Chief Counsel for the Washington Legal Foundation. He is often in court and on television, among others, the McNeil/Lehrer program, *ABC Nightline*, and with John McLaughlin and CNN. He is a graduate of Harvard College and of the University of Michigan Law School. Thus, the final words of the panel are from the politics of the Right.

Now, given the alignment and profiles of the speakers, provocation in the positive sense of intellectual challenge just comes with the turf. But from my own position, not from the Left or the Right, but let us say, more eclectically, from the North or from the South, a couple of thoughts. In the beginning, fittingly enough for those of you of the Christian and Hebraic persuasions, during this most recent Passover and Easter period, you may have contemplated the beginning of the Book of Genesis. There is very beautiful imagery there, as God creates the Earth and then gives the Earth to humanity, with the Earth and all of the creatures of the Earth in humanity's dominion and care, and entrusted by God to us. In the tradition of Native American culture, there is an aphorism attributed to Chief Seattle, and it is an alternative view. He said that the Earth does not belong to humanity, but, rather, that we belong to the Earth. In a very beautiful image in the parables and stories of Jesus, as he points to the birds of the air and the lilies of the field, he says to those around him, "Solomon, in all of his royal raiment, was not arrayed as one of these." And moving right along, is maybe the one person who most embodies the real spirit of the environmental tradition of the modern age, Francis of

Assisi, one of the great saints of the Catholic and Christian tradition, who brings together the themes of Genesis, intuits the later themes of Chief Seattle, and certainly exemplifies the themes of Jesus.

Now, how do our speakers begin to follow that cosmic lineup? A formidable task! From my naive and uninformed nonexpert position regarding environmental law and justice, I offer these transcendent figures, and a few preliminary thoughts: Do we have to be so bipolar and zero-sum? Is it "Racism or Economics?" Why either/or? We have been afflicted as lawyers with an adversarial view, perhaps for too long. Is there some way we can rise above this? Not that it necessarily is both racism and economics. Maybe it is neither/nor. Maybe there is some other combination. With justice being the theme of the symposium, recall Federalist Paper 51, where James Madison said that the end of good government is justice, or, as Martin Luther King called upon the prophetic images, when justice is achieved, it will flow down upon us like cleansing waters.

So given that array of possibilities, I offer a challenge to these panelists and to the rest of the day's proceedings, in the tradition of Genesis, the comments of Jesus, the reflections of Chief Seattle, in the integrating paradigm of St. Francis, and in the spirit of James Madison and Martin Luther King, Jr.: Let their wisdom inform us today.

